



Planning Department

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MEMORANDUM

To: Planning Board

Date: January 4, 2008

From: Roland Bartl, AICP, Planning Director

Subject: Residences at Quail Ridge – Draft Decision for Discussion Purposes

Attached please find a first draft decision for the above project application. The draft focuses mostly on the 2nd access question, which seems to be at the center of the Board's decision making here. The draft decision still has many blanks and place holders that will be filled by the next meeting.

We have reviewed literature on the question of secondary access in connection with single access streets and found that most texts skirt around any hard rules or standards. However, there are some recommended maximum lengths for cul-de-sacs and plenty of discussion of emergency situations where a blockage of a single access street prevents access to an emergency call behind the blockage, a situation that should be avoided wherever possible by providing alternative access. It seems the devil is in the details, and I can't help the impression that authors avoid a hard recommendation to avoid any potential liability.

We have also reviewed standards on street width to ascertain the validity of Acton's residential street standards and, by extension, of the claim that exceeding the standards' design traffic volumes would be unsafe. We found that Acton's standards are conservative and leave plenty of room for volume growth without necessarily compromising safety.

Findings and Conclusions regarding the second access question, including selected sources from the literature research, are summarized in the Findings sections under the heading 'Access'.

We have consulted with Town Counsel for ways to ascertain the feasibility and suitability of a 2nd access through the Great Road Condominium. The process that Counsel devised sets up a new evidence gathering phase, a new hearing, and a supplemental decision on the matter. This procedure is outlined in the Plan Modifications sections of the draft decision under the heading 'Access' – 'Step 1'. I have then repeated the recommended procedure in the draft decision to ascertain the appropriate way of making connection(s) to Acorn Park as 'Step 2'. Counsel also suggested establishing time lines for the process. But, I opted not to include them except for some commitments on the Board's side to move quickly through the process, i.e. hold hearings without delay, and render supplemental decisions after close of the hearing without delay. For one, if the applicant still seeks to preserve the 18-hole course and this entire development proposal is a show of value, then there is perhaps no need for the applicant, with conditional approval in hand, to pursue the resolution of these access questions with speed. Second, the Great Condominium

Association may work on their own calendar and may not react favorably to time pressures. Finally, time pressures may compromise the applicant's efforts to find better solutions and invite shortcuts.

I have also inquired with Town Counsel regarding the viability of a denial of the special permit application on grounds of, say, 'too many units on a single access' while finding that 'the Acorn Park public way access points are not suitable and therefore cannot be used for access' having the same effect as a conditional approval the requires Great Road Condo access without a fall-back alternative to it. The response:

"It is remote at best that a court would uphold a denial premised upon an inadequate second means of access, even though that second access is overly narrow."

The draft decision as presented does not concede to a single full street access in case the Great Road Condo access fails. There was no Board vote that gave me direction to do so. I do not believe that such an outcome could be considered "good planning". Accordingly, I am not making that kind of recommendation nor do I provide alternative language for your consideration that might ease in such a result.

Under "Previous Unfinished Obligations" of the draft decision I list the trail from Hazelnut Street to the Nagog Hill conservation land and the sidewalk on Great Road. Specifically with respect to the trail connection, the applicant had proposed an alternative that would route the pedestrian connection via sidewalks through the project. It is my understanding that the Board wishes this matter to be enforced for quick action as originally required in the Quail Ridge Country Clubs golf course special permit. Please advise if this is incorrect.

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